THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 18647 of 2007

Dated 31st August 2007

Between:

K.Munigireesh

... Petitioner

and

The Secretary,
Regional Transport Authority,
Nellore, Nellore District & others.

... Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY
WRIT PETITION No. 18647 OF 2007

O R D E R:

The Light Motor Vehicle, bearing No.TN-02P-0795, was seized on 28.8.2007, on the ground that the petitioner failed to produce the necessary documents, in relation to it. The petitioner challenges the seizure.

Heard the learned counsel for the petitioner and learned Government Pleader for the respondents.

A perusal of the Vehicle Check Report, dated 28.8.2007, issued by the 2nd respondent, discloses that the petitioner did not produce Registration Certificate and Insurance Certificate. Certain other lapses were also pointed out. The liability of the petitioner, in the context of

these observations, needs to be established, in the proceedings to be initiated under the relevant provisions of the Motor Vehicles Act. If the vehicle is detained and kept in the custody of the 2nd respondent, till such proceedings take place, not only the petitioner would be put to irreparable loss, but also the vehicle would be exposed to the danger of theft and damage. The interest of the State can be protected, by imposing necessary conditions, while permitting the petitioner to keep the custody of the vehicle.

For the foregoing reasons, the writ petition is disposed of, directing that;

a) The Light Motor Vehicle, bearing No.TN-02P-0795, shall be released to the petitioner, on his depositing a sum of Rs.5,000/- (Rupees Five thousand Only).

b) The petitioner shall also furnish an undertaking, to the effect that he shall not alienate the vehicle, till the proceedings in pursuance of the Check Report are finalized, and that it shall produce the vehicle, as and when required.

c) The petitioner shall be entitled to operate the vehicle only after obtaining the necessary documents of the vehicle and after paying the tax.

There shall be no order as to costs.

31st August 2007

Note: Operative portion by wire.

(B/o)
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